

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JULY 24, 2018**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO FINALIZE AND EXECUTE A REVISED MEMORANDUM OF AGREEMENT BETWEEN THE STATE WATER RESOURCES CONTROL BOARD AND THE DEPARTMENT OF CONSERVATION, DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES REGARDING UNDERGROUND INJECTION CONTROL, DISCHARGES TO LAND, AND OTHER PROGRAM ISSUES

DISCUSSION

The 1988 Memorandum of Agreement (1988 MOA) between the State Water Board Resources Control Board (State Water Board) and the Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) calls for DOGGR to consult with the State Water Board and regional water quality control boards (collectively Water Boards) during its consideration of Class II underground injection control (UIC) project and permit applications so that the Water Boards can assist DOGGR with the protection of water resources.

The 1988 MOA provides that: "The agreement may be modified upon the initiative of either party for the purpose of ensuring consistency with State and Federal statutes or regulations, or for any other purpose mutually agreed upon."

In response to increased involvement of the legislature, the Governor's office, the U.S. Environmental Protection Agency, oil and gas operators, and the public, the Water Boards' role in the review of UIC project and aquifer exemption proposals has evolved and expanded. Staff from DOGGR and the Water Boards have met over the last two years to update the 1988 MOA, and have produced the draft revised MOA (2018 MOA). The 2018 MOA reflects how DOGGR and the Water Boards coordinate in administering the state's UIC program, regulate discharges of produced water from oil and gas operations to land, respond to incidents such as spills, take enforcement actions, and handle other related issues. The procedures described in the 2018 MOA provide a coordinated approach resulting in a single permit satisfying the statutory obligations of DOGGR and Water Boards ensuring that injection of Class II fluids and discharges to land of produced water from oil and gas operations do not cause degradation of waters of the State.

State Water Board staff consulted with the regional water quality control boards oil and gas program staff, sought comments from industry groups and non-governmental organizations, and provided a 30-day period for the public to comment on the 2018 MOA. Written comments were due by June 25, 2018. Staff have considered public comments and made changes to the 2018 MOA where appropriate.

POLICY ISSUE

Should the State Water Board authorize the Executive Director to finalize and execute a Revised MOA between the State Water Board and DOGGR?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

Yes. Regional boards will be expected to implement their UIC programs consistent with the final 2018 MOA.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt a resolution authorizing the Executive Director to finalize and execute a Revised MOA between the State Water Board and the DOGGR.

State Water Board action on this item will assist the Water Boards in reaching Goal 2 of the of the Strategic Plan Update: 2008-2012: To improve and protect groundwater quality in high-use basin by 2030.